

C.R.P.(MD)No.656 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2026

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.656 of 2026

and

C.M.P.(MD)No.3041 of 2026

S.Babu

... Petitioner

vs.

1.V.Pandiarajan

V.Durairaj (Died)

2.D.Mohanram

3.D.Tiruvenkada Kannan

4.D.Jayalakshmi

D.Gunasundari (Died)

5.Pandi @ Karmegam

6.S.Rahini

7.Sonaiyandi

... Respondents

*(R-2 to R-7 are given up)*

**PRAYER:** Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to call for the records relating with the fair and decretal order dated 17.11.2025 made in E.A.No.12 of 2025 in E.A.No.92 of 2010 in E.P.No.192 of 2008 in O.S.No.21 of 2008 on the file of Sub Court, Theni and set aside the same.



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C.R.P.(MD)No.656 of 2026

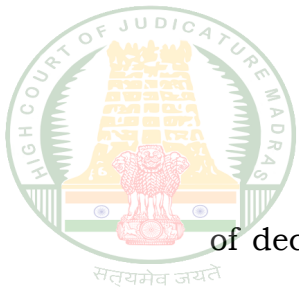
For Petitioner : Mr.Sakthi Sidharth  
For Mr.R.Suriya Narayanan  
  
For R-1 : Mr.R.Shankar Ganesh  
  
For R-2 to R-7 : Given up

### **ORDER**

Heard Mr.Sakthi Sidharth representing Mr.R.Suriya Narayanan for the Civil Revision Petitioner and Mr.S.Balaji representing Mr.R.Shankar Ganesh for the 1<sup>st</sup> respondent.

2. For the sake of convenience, the parties shall be referred to as the purchaser and decree holder.

3. The decree holder presented O.S.No.21 of 2008 on the file of the Subordinate Court at Periyakulam. This suit had been presented against one Durai Raj. The suit is for recovery of a sum of Rs.1,90,000/- together with interest at the rate of 24% per annum amounting to Rs.2,72,673/-. Summons were served on the defendant and as the defendant Durai Raj did not file any written statement, the suit was decreed on 25.06.2008. In terms of the decree, the defendant was called upon to pay the aforesaid sum together with interest at the rate of 24% percent per annum from the date of borrowing till the date



C.R.P.(MD)No.656 of 2026

of decree and interest at the rate of 6% per annum from the date of decree till the date of realization. The headache of the decree holder commenced only thereafter. In order to put the decree into execution, the decree holder presented E.P.No.192 of 2008 on the file of the Subordinate Court at Periyakulam. The EP schedule mentioned property was sought to be attached and the attachment was also ordered on 08.01.2010.

4. The purchaser, who is the Civil Revision petitioner herein, claimed that he purchased the suit schedule mentioned property from one Thiruvengadam by way of a registered sale deed dated 06.08.2008. This Thiruvengadam is the son of the original judgment debtor. He filed an application under Order XXI Rule 58 seeking to raise the attachment ordered by the Court. This was in E.A.No.92 of 2010. The said application was dismissed on 10.09.2018. Aggrieved by the same, he preferred an appeal with delay to the file of the learned Principal District Judge at Theni. That application came to be dismissed by the learned Principal District Judge by an order dated 02.08.2023.

5. Challenging the same, he preferred two revisions in C.R.P(MD).No.1473 of 2022 and C.R.P(MD)No.2494 of 2023. By an



C.R.P.(MD)No.656 of 2026

order dated 23.02.2024, C.R.P.(MD)No.2494 of 2023 was allowed on imposition of condition and the other revision in C.R.P.(MD)No.1473 of 2022 came to be dismissed. A review petition was filed in Review Application (MD)No.45 of 2024 to review the order passed in C.R.P. (MD)No.1473 of 2022. After hearing both sides, the review application was allowed on 20.09.2024, directing the Executing Court to decide the objections filed within the stipulated period. Subsequently, the purchaser presented E.A.No.12 of 2025. This was presented to set aside the order confirming the sale dated 26.06.2022. By an order dated 17.11.2025, the said application came to be dismissed. Hence, this revision.

6. When the matter came up for admission, I heard Mr.Suriya Narayanan and Mr.Mohan for their respective parties. I requested the learned Principal District Judge, Theni, to submit a report as to how long he would require to dispose of the appeal pending before him in C.M.A.No.5 of 2024.

7. On the next date of hearing, I heard Mr.Sakthi Siddharth and Mr.Shankar Ganesan. I pointed out to the Civil Revision Petitioner that he is a purchaser of the property from the defendants in the suit and that he has only purchased litigation and not title to the property.



C.R.P.(MD)No.656 of 2026

I also pointed out to Mr.Sakthi Siddharth that if the Civil Revision Petitioner is willing to pay the entire amount due under the decree together with interest and cost, there is a possibility of saving his property. Mr.Shankar Ganesh was agreeable to the said course of action.

8. Therefore, by an order dated 25.03.2026, I directed the learned Subordinate Judge at Theni to issue a challan to the petitioner to deposit the entire amount due under the decree together with interest upto date. I listed the matter today.

9. When I took up the matter, Mr.Sakthi Siddharth reported that the purchaser had already deposited a sum of Rs.2,72,673/- by way of a challan to the credit of the Subordinate Court at Theni on 16.10.2023. He added that calculating subsequent interest from 26.06.2008 (Date of the decree) till 16.10.2023 (date of the original deposit) and the cost imposed, he had remitted a sum of Rs.2,17,058/-. He also produced the remittance challan dated 02.04.2026 to substantiate the plea of payment.

10. Mr.Shankar Ganesh appearing for the Respondent/decreed holder pointed out that for the subsequent period from 17.10.2023 till



C.R.P.(MD)No.656 of 2026

date, the interest had not been paid and hence, the deposit cannot be considered as a due discharge of the decree in O.S.No.21 of 2008.

11. Mr.Sakthi Siddarth took immediate instructions from the Civil Revision Petitioner, who was present in Court, and has paid a sum of Rs.28,000/- in cash, being the balance of the interest payable to Mr.S.Balaji. Mr.Balaji has also received the same in due acknowledgement of payment.

12. As the entire amount has been paid by the purchaser of the property for and on behalf of the judgment debtor, nothing further remains to be considered. Since the purchaser has paid the entire amount dues, the continuance of attachment of the property cannot be sustained. Consequently, the Civil Revision Petition is **disposed of** with the following directions:

(i) The decree holder, Mr.V.Pandiarajan will be entitled to withdraw a sum of Rs.2,72,673/- deposited on 16.10.2023, together with accrued interest, on filing an appropriate application for withdrawal of the same.

(ii) He shall be entitled to withdraw a sum of Rs.2,17,058/- deposited by the purchaser on 02.04.2026 on filing a similar application to that effect.



C.R.P.(MD)No.656 of 2026

(iii) The payment of Rs.28,000/- in cash shall be credited to the amount to be paid under the decree.

(iv) The judgment debtor and the purchaser of the property, Mr.S.Babu, will tender no objection to the decree holder to withdraw the amounts aforesaid.

(v) As the entire amount has been paid, the purchaser or judgment debtor will be entitled to file an application to raise the attachment order passed by the Court in E.P.No.192 of 2008 dated 08.01.2010. On filing of such application, the Executing Court shall pass an order raising the attachment. The decree holder will tender no objection to the application filed for raising of attachment.

(vi) The payment of batta as well as the cost incurred for raising of the attachment and intimation to the Sub Registrar will be borne by the purchaser.

(vii) Once the decree holder has withdrawn the aforesaid amounts, the learned Subordinate Judge, Theni, shall terminate the E.P.No.192 of 2008 recording full satisfaction.

(viii) As the entire decree has been paid, nothing further remains to be considered in C.M.A.No.5 of 2024.

(ix) The learned Principal District Judge, Theni, shall record this order and close C.M.A.No.5 of 2024 as settled.



C.R.P.(MD)No.656 of 2026

(x) As the amounts have been paid to the satisfaction of the decree holder, the order passed by the learned Subordinate Judge, Theni in E.A.No.12 of 2025 in E.A.No.92 of 2010 in E.P.No.192 of 2008 in O.S.No.21 of 2008, dated 17.11.2025, is set aside.

(xi) The sale certificate issued is declared to be a nullity, as the entire decree has been duly discharged.

No costs. Consequently, the connected miscellaneous petition stands closed.

Index :Yes / No  
Internet :Yes / No  
NCC :Yes / No  
Nsr

**16.04.2026**

To:

The Sub Court, Theni.



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C.R.P.(MD)No.656 of 2026

**V.LAKSHMINARAYANAN, J.**

Nsr

Order made in  
C.R.P(MD)No.656 of 2026

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